

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Children and Family Services Act is amended
5 by adding Section 21.6 as follows:

6 (20 ILCS 505/21.6 new)

7 Sec. 21.6. Front-line staff members; personal protection
8 spray devices.

9 (a) As used in this Section:

10 "Front-line staff member" or "staff member" means an
11 individual who engages with families in their home settings.

12 "Personal protection spray device" means a commercially
13 available dispensing device designed and intended for use in
14 self-defense which is comprised of non-lethal Oleoresin
15 Capsicum and is specifically approved by the Department in
16 consultation with the Illinois State Police.

17 (b) A front-line staff member is authorized to carry and
18 use personal protection spray devices for self-defense
19 purposes while investigating a report of child abuse or
20 neglect if the front-line staff member has been trained on the
21 proper use of such personal protection spray devices by the
22 Department, in consultation with the Illinois State Police. By
23 January 1, 2023, the Department, in consultation with the

1 Illinois State Police, shall (i) identify a list of approved
2 personal protection spray devices and (ii) jointly develop and
3 approve a training curriculum and program for front-line staff
4 members on the proper use of such personal protection spray
5 devices for self-defense purposes. The Department shall
6 provide funding for the training program.

7 (c) Personal protection spray device use. A personal
8 protection spray device may only be used if a front-line staff
9 member:

10 (1) reasonably believes that use is necessary to
11 protect the staff member from an imminent physical assault
12 posed by another person;

13 (2) uses the device to incapacitate a person
14 attempting a physical assault in order to avoid imminent
15 physical harm and to facilitate escape from danger when
16 there is no other alternative available to the staff
17 member;

18 (3) uses a device approved by the Department, in
19 consultation with the Illinois State Police;

20 (4) except in exigent circumstances, has issued a
21 verbal warning to persons in close proximity to the spray
22 area in accordance with the training jointly developed by
23 the Department, in consultation with the Illinois State
24 Police;

25 (5) does not intentionally spray any person other than
26 a person attempting to physically assault the front-line

1 staff member; and

2 (6) has successfully completed training on how to use
3 the approved devices, de-escalation techniques,
4 pre-contact cues, and situation awareness.

5 A front-line staff member's use of personal protection
6 spray devices during the performance of his or her
7 professional duties in any manner other than as expressly
8 authorized under this Section shall be prohibited by
9 Department policy. Whenever a front-line staff member
10 discharges a personal protection spray device, the front-line
11 staff member shall complete an incident report.

12 (d) Duty to seek medical care for bystanders. Following
13 the discharge of a personal protection spray device that
14 results in exposure, the front-line staff member shall notify
15 his or her supervisor and, if appropriate, call 9-1-1 for
16 emergency response or responders as soon as reasonably
17 practical and when safe to do so.

18 (e) Reporting. Beginning January 1, 2024, and every
19 January 1 thereafter, the Department shall post on its website
20 a report containing the following information for the
21 preceding calendar year: (i) the number of front-line staff
22 members trained to carry personal protection spray devices;
23 (ii) the number of front-line staff members who report
24 carrying personal protection spray devices and the make or
25 model of the devices; and (iii) the number of reported uses of
26 personal protection spray devices by service region. In

1 addition, the Department shall report each incident involving
2 the deployment of a personal protection spray device that
3 occurred during the preceding calendar year, including:

4 (1) the estimated age, gender, and race of the
5 intended target of the personal protection spray device;

6 (2) whether there were injuries to the intended target
7 resulting from the deployment of the personal protection
8 spray device;

9 (3) the age, gender, and race of the front-line staff
10 member who utilized the personal protection spray device;
11 and

12 (4) whether there were injuries to the front-line
13 staff member resulting from the incident.

14 The Department shall also report yearly data on the number
15 of personal protection spray device deployments found to be
16 against Department policy.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.